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EXAMINER

FISH, JAMIESON W

ART UNIT	PAPER NUMBER
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2616

DATE MAILED: 12/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/824,035

Applicant(s)

TANAKA, NOBUYUKI

Examiner

Jamieson W. Fish

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 03 April 2001.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-17 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-17 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 03 April 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 04/03/01.  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_  
5) ☐ Notice of Informal Patent Application (PTO-152)  
6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. The two information disclosure statements (IDS) submitted have been considered.

### ***Specification***

2. The disclosure is objected to because of the following informalities: the words encrypt/encode and decrypt/decode are used inconsistently throughout. Appropriate correction is required.
3. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: Regarding claim 8, the specification does not disclose audio video output devices of reproducing device and back-up reproducing device both supplying decoded signals to the projector and audio processor without first supplying signals to AV input switching device.

### ***Claim Objections***

4. Claims 4 and 7 are objected to because of the following informalities: Both claims refer to "encrypting" modules that "encrypt" video and audio data. This is inconsistent with the abstract, the specification, and Figure 5. It is understood that the inventor intended to claim "decrypting" modules that "decrypt" video and audio data. The claims have been interpreted as such. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

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5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claim 1 is rejected under 35 U.S.C. 102(e) as being anticipated by Rabowsky (US #6,141,530).

7. Regarding claim 1, Rabowsky teaches a digital content reproducing system comprising: a content server which stores and manages a digital content of movies (See Fig. 1, File Server 16 and Distribution Archiving Storage System 18 and Col. 3 lines 28-46); and a projecting system which is connected to the content server via a network, receives the digital content from the content server via the network, and reproduces the digital content to show a movie (See Fig 2 Secure Projector System 76 and Col. 1 lines 61-67 and Col. 8 lines 44-50).

8. Claims 1, 11, and 13 are rejected under 35 U.S.C. 102(e) as being anticipated by Morley et al. (US 2003/0206635).

9. Regarding claim 1, Morley teaches a digital content reproducing system comprising: a content server which stores and manages a digital content of movies (See Fig. 2 and 7B Theater Storage Device 136 and Paragraphs 27 and 95); and a projecting system which is connected to the content server via a network, receives the digital

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content from the content server via the network, and reproduces the digital content to show a movie (See Fig 2 Projector 148 and Paragraph 27 and 50)

10. Regarding claim 11, Morley further teaches wherein the content server, the projecting system, and the network are located in an institution to show movies (See Fig. 2 Theatre Subsystem and Paragraph 50).

11. Regarding claim 13, Morley teaches a digital content delivery system comprising: a first terminal which is located in a movie company (See Fig 2 Source Generator 108 and Paragraph 21, production studio); a second terminal which is located in a content deliver company (See Fig. 2 Central Facility (Hub) 102, Compressor/Encryptor 112 Hub storage device 116 and Paragraphs 19, 20, 58 The hub is the content delivery company and the Compressor/Encryptor and Hub storage device are the second terminal); a third terminal which is located in an institution to show movies (See Fig 2 Theatre subsystem 104 and Paragraph 50); and a network which connects the first terminal, the second terminal, and the third terminal to each other (See Fig. 6 and Paragraph 89), wherein movie information and a digital content of a movie are transmitted from the first terminal to the second terminal via the network (See Paragraphs 19, 62-65), the movie information are transmitted from the second terminal to the third terminal via the network (See Paragraph 58), and when the third terminal sends a request to the second terminal referring to the received movie information, the digital content is transmitted from the second terminal to the third terminal (See Paragraph 141, request for retransmission).

***Claim Rejections - 35 USC § 103***

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12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claims 2-4, are rejected under 35 U.S.C. 103(a) as being unpatentable over Rabowsky in view of Takamori (U.S. #5,287,186).

14. Regarding claim 2, Rabowsky teaches a digital content reproducing system, wherein the projecting system comprises: a mass memory unit which stores the digital content supplied via the network (See Fig 2 Storage/Playback System 62 and Col. 10 lines 12-25); a reproducing device which produces signals to reproduce the digital content (See Fig 2 Secure Projector System 76 and Col 1. 65-67). Rabowsky fails to disclose a backup reproducing device which reproduces the digital content when the reproducing device can not serve to reproduce the digital content; and an AV input switching device which receives output signals from the reproducing device and the backup reproducing device and selects output signals from an active one of the reproducing device and the backup reproducing device to produce the selected output signals. Takamori teaches a backup reproducing device which reproduces the digital content when the reproducing device cannot serve to reproduce the digital content (See Fig 1 Reserve Block 3 and Col. 1 lines 50-53 and Col. 2 lines 16-26 and Col 3 lines 60-65); and an AV input switching device which receives output signals from the reproducing device and the backup reproducing device and selects output signals from

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an active one of the reproducing device and the backup reproducing device to produce the selected output signals (See Fig. 1 Switching Portion 5 and Col. 2 lines 26-32). It would have been obvious to one of ordinary skill in the art to modify Rabowsky's invention with Takamori's so that it includes a backup reproducing device and an AV input switching device. The motivation for such a modification would have been a system that would continue to reproduce digital content when the primary reproducing device fails.

15. Regarding claim 3, Rabowsky teaches wherein output signals supplied from the reproducing device are each separated into video signals and audio signals (See Fig. 2 DeMux/Motion Picture Decryptor 74 and Col 10 lines 54-59), and wherein the projecting system further comprises: a projecting device which receives the video signals and projects them on a screen (See Fig 2 Projector 88, Screen and Col 11 lines 10-30); and an audio processor which receives the audio signals device and outputs them to a loudspeaker (See Fig. 2 Audio Distribution Controller 84, Speakers 90 and Col 11 lines 60-65). In the modified Rabowsky, discussed with regards to claim 2, which includes a backup reproducing device and an AV input switching device, the projector and audio processor would receive output signals from the AV input switching device.

16. Regarding claim 4, Rabowsky teaches a reproducing device comprising: a decrypting module which is connected to the mass memory unit and decrypts the digital content received from the mass memory unit (See Fig. 2 DeMux/Motion Picture Decryptor 74 and Col. 10 lines 54-58); an AV separating module which receives the digital content from the decrypting module and separates them into the video signals

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and the audio signals (See DeMux/Motion Picture Decryptor 74 and Col. 10 lines 54-58); a video decoder which receives the video signals from the AV separating module and decodes them (See Fig 2 Motion Picture Decompressor and Col. 10 lines 55-67); a video signal output device which receives the decoded video signals from the video decoder and outputs them to the projector (See Figure 2, the connection between 86 and 88. This connection would be a conductive material capable of receiving and outputting signals.); an audio decoder which receives the audio signals from the AV separating module and decodes them (See Fig 2 Audio Distribution Controller 84 and Col. 11 lines 1-10 and 61-67, and Col. 12 lines 1-7); and an audio signal output device which receives the decoded audio signals from the audio decoder and outputs them to the Speakers (See Fig. 2, the connection between 84 and 90 This connection would be a conductive material capable of receiving and outputting signals). In the modified Rabowsky, discussed with regards to claim 2, which includes a backup reproducing device with the same elements as the primary reproducing device and an AV input switching device (Takamori Col 2 lines 16-26), the AV input switching device would receive output signals from the video output device and the audio output device.

17. Claims 5-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rabowsky in view of Takamori as applied to claim 4 above, and further in view of Saito et al. (US #6,138,248).

18. Regarding claim 5, the modified Rabowsky teaches where the reproducing device and the backup reproducing device each contain a Self-Diagnostic portion that monitors each device while each device sends processed data to the switching portion.



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If the Self Diagnostic portions detect a failure from either device it will cause the switching portion to switch (See Takamori Col. 2 lines 35-49). This differs from the claimed invention in that the reproducing device does not periodically send a predetermined signal to the backup reproducing device wherein the backup reproducing device starts sending processed data to the AV input switching device when the reproducing device stops sending the predetermined signal. However, having such master/slave architectures are common in digital data processing applications. Saito et al. teaches having a primary data processing device transmit a periodic signal to a backup processing device, wherein the backup processing device takes over the function of the primary processing device when the primary processing devices stops sending the signal (See Abstract and Col. 11 lines 47-67). It would have been obvious to one of ordinary skill in the art to further modify Rabowsky and Takamori such that the backup reproducing device decodes the signals at the video decoder and the audio decoder while the reproducing device periodically sends a first predetermined signal to the backup reproducing device, and wherein the backup reproducing device starts sending process of the decoded signals to the AV input switching device in addition to the decoding process when the reproducing device stops sending the first predetermined signal. The motivation for such a modification would have been that having the reproducing devices communicate directly would eliminate the need for a self-diagnostic portion and would reduce the amount of time required for the backup reproducing device to start sending processed data to the AV input switching device.

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19. Regarding claim 6, claim 6 requires that a second predetermined signal be sent from the backup reproducing device to the primary reproducing device where the signal instructs the reproducing device to stop, after the backup reproducing device starts the sending process. Saito teaches a second predetermined signal be sent from a backup processing device to a primary processing device where the signal instructs the primary processing device to stop, after the backup processing device starts the takes over the operation of the primary device (See Abstract, Col. 3 lines 17-22 Col. 12 lines 19-29 The reset request would instruct the primary computer to reset and thus stop).

20. Claims 7-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rabowsky in view of Takamori as applied to claim 3 above, and further in view of Morley et al.

21. Regarding claim 7, Rabowsky teaches a reproducing device comprising a video data processing section and an audio processing section, the video data processing section comprising: a first decrypting module which is connected to the mass memory unit and decrypts the video data received from the mass memory unit (See Fig. 2. Demux/Motion Picture Decryptor 74 and Col. 10 lines 54-58); a video decoder which receives the video signals from the decrypting module and decodes them (See Fig. 2 Motion Picture Decompressor and Col. 10 lines 59-65); a video signal output device which receives the decoded video signals from the video decoder and outputs them a projector (See Fig. 2, the connection between 86 and 88. It would have been obvious that this connection would be a conductive material capable of receiving and outputting signals.), the audio data processing section comprising: a second decrypting module

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which is connected to the mass memory unit and decrypts the audio data received from the mass memory unit (See Fig. 2 Audio Distribution Controller 84 and Col 11. lines 61-67 Col. 12 lines 1-7); an audio decoder which receives the audio signals from the second encrypting module and decodes them (See Fig. 2 Audio Distribution Controller 84 and Col 11. lines 61-67 Col. 12 lines 1-7); and an audio signal output device which receives the decoded audio signals from the audio decoder and outputs them to the Speakers (See Fig. 2 Audio Distribution Controller and connection between 84 and 90. It would have been obvious that this connection would be a conductive material capable of receiving and outputting signals). In the modified Rabowsky, discussed with claim 2, the video signal output device and the audio signal output device would output received signals to the AV input switching device. Rabowsky and Takamori fail to teach where the digital content is individually supplied in the form of video data and audio data. However, having digital content individually supplied in the form of video data and audio data is well known in digital video reproduction system as taught by Morley (See Fig 7c. Paragraphs 80 and 93). It would have been obvious to one of ordinary skill in the art to further modify Rabowsky and Takamori as taught by Morley so that the digital content is individually supplied in the form of video data and audio data. The motivation to have digital content individually supplied in the form of video data and audio data is that it allows a plurality of audio data to be combined with video data.

22. Regarding claim 8, Rabowsky teaches wherein the video signal output device supplies the decoded video signals to the projecting device not through the AV input switching device and/or the audio signal output device supplies the decoded audio

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signals to the audio processor not through the AV input switching device (See Fig. 1 The connections between 86 and 88 and between 82 and 84). It would have been obvious to one of ordinary skill in the art to modify Rabowsky, Takamori, and Morley so that the video signal output device supplies the decoded video signals to the projecting device not through the AV input switching device and/or the audio signal output device supplies the decoded audio signals to the audio processor not through the AV input switching device. The motivation for having the video and audio output devices supply the decoded signals to the projector and audio processor would have been eliminating the delay associated with the connecting them through the AV switching device.

23. Claims **9-10** are rejected under 35 U.S.C. 103(a) as being unpatentable over Rabowsky in view of Takamori in further view of Morley as applied to claim 7 above, and further in view of Saito et al.

24. Regarding claim **9**, the modified Rabowsky teaches the reproducing device and the backup reproducing device each contain a Self-Diagnostic portion that monitors each device while each device sends processed data to the switching portion. If the Self Diagnostic portions detect a failure from either device it will cause the switching portion to switch (See Takamori Col. 2 lines 35-49). This differs from the claimed invention in that the reproducing device does not periodically send a predetermined signal to the backup reproducing device wherein the backup reproducing device starts sending processed data to the AV input switching device when the reproducing device stops sending the predetermined signal. However, having such master/slave architectures are common in digital data processing applications. Saito et al. teaches a primary data

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processing device which transmits a periodic signal to a backup processing device, wherein the backup processing device takes over the function of the primary processing device when the primary processing devices stops sending the signal (See Abstract and Col. 11 lines 47-67). It would have been obvious to one of ordinary skill in the art to further modify Rabowsky, Takamori, and Morley with Saito such that the backup reproducing device decodes the signals at the video decoder and the audio decoder while the reproducing device periodically sends a first predetermined signal to the backup reproducing device, and wherein the backup reproducing device starts sending process of the decoded signals to the AV input switching device in addition to the decoding process when the reproducing device stops sending the first predetermined signal. The motivation for such a modification would have been that having the reproducing devices communicate directly would eliminate the need for a self-diagnostic portion and would reduce the amount of time required for the backup reproducing device to start sending processed data to the AV input switching device.

25. Regarding claim 10, claim 10 requires that a second predetermined signal be sent from the backup reproducing device to the primary reproducing device where the signal instructs the back reproducing device to stop, after the backup reproducing device starts the sending process. Saito teaches a second predetermined signal be sent from a backup processing device to a primary processing device where the signal instructs the primary processing device to stop, after the backup processing device starts the takes over the operation of the primary device (See Abstract, Col. 3 lines 17-

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22 Col. 12 lines 19-29 The reset request would instruct the primary computer to reset and thus stop).

26. Claims **12**, **14-17** are rejected under 35 U.S.C. 103(a) as being unpatentable over Rabowsky in view of Takamori and further in view of Saito et al. (US #6,138,248).

27. Regarding Claim **12**, Rabowsky teaches a digital content reproducing system comprising: a content server which stores and manages a digital content of movies (See Fig. 1, File Server 16 and Distribution Archiving Storage System 18 and Col. 3 lines 28-46); and a projecting system which is connected to the content server via a network, receives the digital content from the content server via the network, and reproduces the digital content to show a movie (See Fig 2 Secure Projector System 76 and Col. 1 lines 61-67 and Col. 8 lines 44-50), wherein the projecting system comprises: a reproducing device which supplies signals to reproduce the digital content (See Fig 2 Secure Projector System 76 and Col 1. 65-67). Rabowsky fails to disclose a backup reproducing device which supplies signals to reproduce the digital content when the reproducing device cannot serve to reproduce the digital content. Takamori teaches a backup reproducing device which supplies signals to reproduce the digital content when the reproducing device cannot serve to reproduce the digital content (See Fig 1 Reserve Block 3 and Col. 1 lines 50-53, Col. 2 lines 16-26 and Col 3 lines 63-35). It would have been obvious to one of ordinary skill in the art to modify Rabowsky's invention with Takamori's so that it includes a backup reproducing device. The motivation for such a modification would have been a system that could continue to reproduce digital content when the primary reproducing device fails. Rabowsky

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modified with Takamori teaches the reproducing device and the backup reproducing device each contain a Self-Diagnostic portion that monitors each device while each device sends processed data to the switching portion. If the Self Diagnostic portions detect a failure from either device it will cause the switching portion to switch (See Takamori Col. 2 lines 35-49). Rabowsky and Takamori fail to disclose wherein the backup reproducing device performs decoding process of the digital content while the reproducing device periodically sends a first predetermined signal to the backup reproducing device, and the backup reproducing device starts processing the decoded digital content and supplying signals to reproduce the movie in addition to the decoding process when the reproducing device stops sending the first predetermined signal. However, having a backup reproducing device process digital content while a reproducing device periodically sends a first predetermined signal to the backup reproducing device, and the backup reproducing device starts processing digital content and supplying signals in addition to the process when the reproducing device stops sending the first predetermined signal is well known in the art as taught by Saito et al (See Abstract and Col. 11 lines 47-67). It would have been obvious to further modify Rabowsky and Takamori with Saito to have a backup reproducing device that performed decoding process of the digital content while the reproducing device periodically sent a first predetermined signal to the backup reproducing device, and the backup reproducing device starts processing the decoded digital content and supplying signals to reproduce the movie in addition to the decoding process when the reproducing device stops sending the first predetermined signal. The motivation for

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such a modification would have been that having the reproducing device communicate directly with the backup reproducing device would eliminate the need for a self-diagnostic portion and would reduce the amount of time required for the backup reproducing device to start sending processed data to the AV input switching device.

28. Regarding claim **14**, such a method is performed by the system of claim 12 and therefore is rejected as discussed with respect to claim 12.

29. Regarding claim **15**, claim 15 requires that a recording medium readable by a computer, tangibly embodying a program of instructions executable by the computers to perform the method discussed in claim 14. Official notice is taken that is well known in the art to have a recording medium readable by a computer, tangibly embodying a program of instructions executable by the computers to perform methods of reproducing digital content. It would have been obvious to one of ordinary skill in the art to modify Rabowsky, Takamori, and Saito by having a recording medium readable by a computer, tangibly embodying a program of instructions executable by the computers to perform the steps of the claimed method. The motivation for having a recording medium readable by a computer, tangibly embodying a program of instructions executable by the computers to perform a method is that such a method can easily be executed multiple times.

30. Regarding claim **16**, claim 16 requires that a computer data signal embodied in a carrier wave and representing a sequence of instructions, which, when executed by a processor, cause the processor to perform the method discussed in claim 14. Official Notice is taken that is well known in the art to send instructions wirelessly. It would



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have been obvious to one of ordinary skill in the art to modify Rabowsky, Takamori, and Saito by having a computer data signal embodied in a carrier wave and representing a sequence of instructions, which, when executed by a processor, cause the processor to perform the claimed method. The motivation for having a computer data signal embodied in a carrier wave and representing a sequence of instructions, which, when executed by a processor, cause the processor to perform the method is that, this signal could easily be transmitted from one computer to another.

31. Regarding claim 17, claim 17 requires that a program product comprising, computer readable instructions and a recording medium bearing the computer readable instructions; the instructions being adaptable to enable computers to perform the method discussed in claim 14. Official Notice is taken that is well known in the art to embody instructions in software to execute on a computer. It would have be obvious to one of ordinary skill in the art to modify Rabowsky, Takamori, and Saito by having a program product comprising, computer readable instructions and a recording medium bearing the computer readable instructions; the instructions being adaptable to enable computers to perform the claimed method. The motivation for having a program product comprising, computer readable instructions and a recording medium bearing the computer readable instructions; the instructions being adaptable to enable computers to perform the method is that such a program product could easily be distributed among multiple computers.


***Conclusion***

32. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jamieson W. Fish whose telephone number is 703-305-0884. The examiner can normally be reached on 8 am - 5 pm.

33. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ngoc Vu can be reached on 703-305-4946. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

34. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JF 11/18/04

  
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